

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICAN SERVICE INSURANCE)
COMPANY, an Illinois Insurance Company,)
)
Plaintiff,)
) Case No. 08 CV 443
v.)
) Honorable David H. Coar
NAFTA GENERAL AGENCY, a Texas)
Corporation, UNDERWRITERS MGA, INC.,)
a Texas Corporation, and RAMON)
VILLARREAL, an individual,)
)
Defendants.)
)

**MOTION TO WITHDRAW AS
COUNSEL FOR DEFENDANTS**

NOW COME Michael J. Scotti, III and Paul Duffy (collectively “Defense Counsel”), each attorney affiliated with Freeborn & Peters LLP, counsel for Defendants NAFTA GENERAL AGENCY, UNDERWRITERS MGA, INC., and RAMON VILLARREAL, (collectively “Defendants”) and respectfully move this Court, pursuant to Local Rules 83.17 and 83.51.16 of the United States District Court for the Northern District of Illinois, for leave to withdraw as counsel for record. As their Motion, Defendants’ Counsel state as follows:

1. Defense Counsel wish to withdraw as counsel for each of the Defendants in this case.
2. Withdrawal is appropriate in this case because, due to unanticipated issues arising during the course of this litigation, it has become unreasonably difficult for Defense Counsel to effectively represent the Defendants. Defense Counsel have made substantial efforts

to resolve the issues at hand and to avoid the necessity of filing this motion, but their efforts have proven unsuccessful.

3. Among other things, these issues affect counsel's ability to communicate effectively, the day-to-day management of the case, strategic decisions and, ultimately, the proper resolution of the case. In short, the issues cut to the heart of the attorney-client relationship.

4. Defense Counsel have given the Defendants due notice of their intent to withdraw their appearances on their behalf prior to filing this Motion to Withdraw. Furthermore, as set forth in the attached certificate of service, service of this motion is provided to each of the Defendants via email and U.S. Express Mail at their ordinary places of business.

5. Further, Defense Counsel also hereby advise Defendants that in order to ensure notice of any action in this case, they should retain other counsel or file with the clerk of the court, as soon as possible, their supplementary appearance stating therein an address at which service of notices or other papers may be effectuated upon them.

6. No party to this litigation has a motion pending before the Court at this time and no Scheduling Order has been entered. (On April 15, 2008, Plaintiff's counsel did inform the Court they intend to file a motion seeking to enforce a document American Service Insurance Company claims to be a valid settlement agreement resolving this dispute.) (Dkt. No. 41.)

7. Defendant UNDERWRITERS MGA, INC., through its officer Ramon Villarreal, and Ramon Villarreal individually, have discharged Freeborn & Peters LLP from representing them in this matter and has no objection to their withdrawal as counsel from this case.

8. Defendant NAFTA General Agency, through its officer Daniel Hernandez, has consented to the termination of Freeborn & Peters LLP from this engagement.

9. The parties to these proceedings will not be unduly prejudiced by Defense Counsel's withdrawal. *See In re Rose Lee Ann*, 307 Ill. App. 3d 907, 912, 718 N.E.2d 623, 627 (Ill. App. Ct. 1999) ("an attorney may end the attorney-client relationship with or without cause so long as the client is not left in a position where he is prejudiced").

10. This motion is not made for the purposes of undue delay or harassment, and granting this motion to withdraw is not inequitable under the circumstances.

WHEREFORE, Defense Counsel respectfully move this Honorable Court for leave to withdraw as counsel for Defendants NAFTA GENERAL AGENCY, UNDERWRITERS MGA, INC., and RAMON VILLARREAL, and for any other relief that the Court finds just and proper.

Dated: April 23, 2008

Respectfully submitted,

Michael J. Scotti, III as counsel for
NAFTA GENERAL AGENCY;
UNDERWRITERS MGA, INC.; and RAMON
VILLARREAL, Defendants,

/s/ Michael J. Scotti
One of their attorneys

Michael J. Scotti, III #6205868
Paul A. Duffy #6210496
FREEBORN & PETERS LLP
311 S. Wacker Drive, Suite 3000
Chicago, IL 60606
Telephone: (312) 360-6000
Facsimile: (312) 360-6573